

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GIRSON J. ORTEGA,

Petitioner,

v.

LINDA L. KELLY, et al.

Respondent.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 15-1253 (JBS)

MEMORANDUM AND ORDER

SIMANDLE, Chief Judge:

Before the Court is a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 signed by pro se Petitioner Girson J. Ortega (hereinafter, "Petitioner").

1. Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of *habeas corpus* . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L. Civ. R. 81.2(a). Petitioner did not use the habeas form supplied by the Clerk for section 2254 petitioners, *i.e.*, A0241 (modified).

2. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor submitted a complete application to proceed *in forma pauperis* ("IFP") that contains a certification by an authorized official at his place of confinement certifying Petitioner's

institutional account for the preceding six months, as required under L.Civ.R. 81.2(b).

THEREFORE it is on this 24th day of February, 2015;

ORDERED that the Clerk of the Court shall administratively terminate this case for Petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*; and it is further

ORDERED that the Clerk of the Court shall send Petitioner a blank form application to proceed *in forma pauperis* - DNJ-Pro Se-007-B-(Rev. 09/09); and it is further

ORDERED that the Clerk of the Court shall forward to Petitioner a blank habeas petition form - AO241 (modified): DNJ-Habeas-008 (Rev.01-2014); and it is further

ORDERED that the Clerk's service of the blank habeas petition form shall not be construed as this Court's finding that the original petitioner is or is not timely, or that Petitioner's claims are or are not duly exhausted; and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building and U.S. Courthouse, Fourth and Cooper Streets, Camden, New Jersey, 08101, within 30 days of the date of entry of this Memorandum and Order;

Petitioner's writing shall include a complete, signed habeas petitioner on the appropriate form; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and a complete, signed petition, including the application to proceed *in forma pauperis* or filing fee, the Clerk of Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.

s/ Jerome B. Simandle
JEROME B. SIMANDLE,
Chief U.S. District Judge